



Massachusetts Mercury Management Act (Chapter 190 of the Acts of 2006)

Overview

- ◆ Amends MGL c. 21H
- ◆ Regulates “mercury added” products
- ◆ Massachusetts is the last New England state to enact a comprehensive mercury law
- ◆ Most provisions are based on other states’ laws

Establishes new requirements

◆ General:

- Product Notification
- Product Collection/Recycling
- Sales bans for specific products
- Bans on disposal in trash and wastewater
- Product labeling

Specific requirements

- ◆ Vehicle switches and mercury components
- ◆ Lamps

Product Notification

- ◆ As of 10/1/06, manufacturers must notify DEP through IMERC of mercury products sold in Massachusetts
- ◆ MassDEP has accepted notifications already submitted to IMERC

Collection/Recycling Programs

◆ As of 5/1/07, every manufacturer who sells a mercury product in MA must have implemented a plan to collect and recycle "end of life" products

◆ Exemptions:

- button cell batteries
- automobiles
- refurbished medical equipment
- products w/a removable button cell batteries or a lamp

Product Sales Bans

◆ 5/1/08: Cannot sell:

- Mercury thermostats
- Certain measuring instruments
- Certain medical devices

◆ 5/1/09: Cannot sell products containing mercury switches or relays

Sale Ban Exemptions: Switches & Relays

- ◆ Part of a larger product in use before 5/1/09
- ◆ Used in manufacturing
- ◆ Switch/relay isn't physically separate from the rest of the product
- ◆ Component of a larger product refurbished for resale

Case-Specific Sales Ban Exemptions

- ◆ MassDEP will establish process for applying, in consultation with EOED, DPH
- ◆ Applicant will need to demonstrate:
 - Product benefits the environment or protects public health
 - No technically feasible cost-effective alternative is available

Disposal Bans

- ◆ Ban on discharging mercury from products in wastewater (effective 10/26/06)
- ◆ Ban on disposal in solid waste (effective May 1, 2008)

Product Labeling

- ◆ As of 5/1/08, all mercury products sold in MA must be labeled to indicate mercury content and proper “end of life” handling
- ◆ Exemptions:
 - Refurbished medical equipment
 - Only mercury is in button cell battery or removable lamp
- ◆ MassDEP may accept label plans approved by other states

Specific Requirements: Vehicles

- ◆ No new cars can be sold with a mercury switch
- ◆ No vehicles can be crushed without removing mercury components
- ◆ Auto manufacturers must implement plans to collect and recycle mercury switches (must include \$3/switch payment to recyclers)

Vehicles, con't.

- ◆ Manufacturers can avoid \$3/switch payments if they implement plans that result in capturing:
 - 50% by 12/31/07
 - 90% by 12/31/08
- ◆ Once a "bounty" has been in effect for at least one year, manufacturers may also implement a plan that has worked in another state for at least 1 year and captures 90% of switches

Special Requirements: Lamps

- ◆ Manufacturers are exempt from collection/recycling requirement if they:
 - Implement an education plan for consumers and munis on proper use, disposal of “end of life” lamps
 - Lamp recycling hits prescribed targets:
 - ◆ 30% by 12/31/08
 - ◆ 70% by 12/31/12

Lamps, con't.

- ◆ If recycling targets not met, lamp mfrs as a group must pay up to \$1,000,000 into a fund administered by MassDEP to be used for grants to municipalities for mercury collection programs.

School Purchasing Ban

◆ Starting 10/1/06, schools cannot purchase mercury products for instructional use

◆ Exemptions:

- Thermometers, measuring devices with no non-mercury alternatives
- Mercury-added lamps
- Computers

Mercury Information for Health Care Facilities

- ◆ As of 10/1/06, manufacturers of mercury-added formulated products must disclose mercury amounts (over 1 ppb) upon a written request from a health care facility

New Programs Start in Phases

- ◆ Fall 2006
- ◆ Winter/Spring 2007
- ◆ Spring 2008
- ◆ Spring 2009

Fall 2006

- ◆ Product Notification: October 1, 2006
- ◆ School Purchasing Ban: October 1, 2006
- ◆ Information for Health Care Facilities:
October 1, 2006
- ◆ State Purchasing Preference for Non-Mercury
Items: October 26, 2006
- ◆ Some Vehicle Switch Requirements: October
26, 2006

Winter/Spring 2007

- ◆ “Alternative” Vehicle Switch Removal Programs start: January 1, 2007
- ◆ Lamp Recycling Public Education Programs start: January 1, 2007
- ◆ MassDEP regulations for vehicle switches, generic collection/recycling programs: early Spring 2007

Spring 2008

- ◆ First product sales bans: May 1, 2008
- ◆ Solid waste disposal ban: May 1, 2008
- ◆ Products labeled: May 1, 2008
- ◆ MassDEP regulations: Early 2008

Spring 2009

◆ Ban on sale of switches and relays:
May 1, 2009

Measuring Success/Reporting

- ◆ "Program Effectiveness" report to Legislature: May 1, 2010
- ◆ Lamp Manufacturers' Grants for Recycling: January 1, 2012 (and every five years thereafter)